



APPLICATION ACCEPTED: June 06, 2014  
BOARD OF ZONING APPEALS: November 19, 2014  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

---

November 12, 2014

### STAFF REPORT

SPECIAL PERMIT SP 2014-HM-092

#### HUNTER MILL

**APPLICANT:** Farangis Bigdeli, dba Francis's Home  
Childcare/ Francis's Friendly Daycare

**OWNERS:** Mohammad Noushabadi  
Farangis Bigdeli

**SUBDIVISION:** Fox Mill Estates

**STREET ADDRESS:** 12802 Pinecrest Road, Herndon, 20171

**TAX MAP REFERENCE:** 025-2 ((06)) 0685

**LOT SIZE:** 10,500 square feet

**ZONING DISTRICT:** R-2, Cluster

**ZONING ORDINANCE PROVISIONS:** 8-305

**SPECIAL PERMIT PROPOSAL:** To permit a home child care facility.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2014-HM-092 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



## SP 2014-HM-092

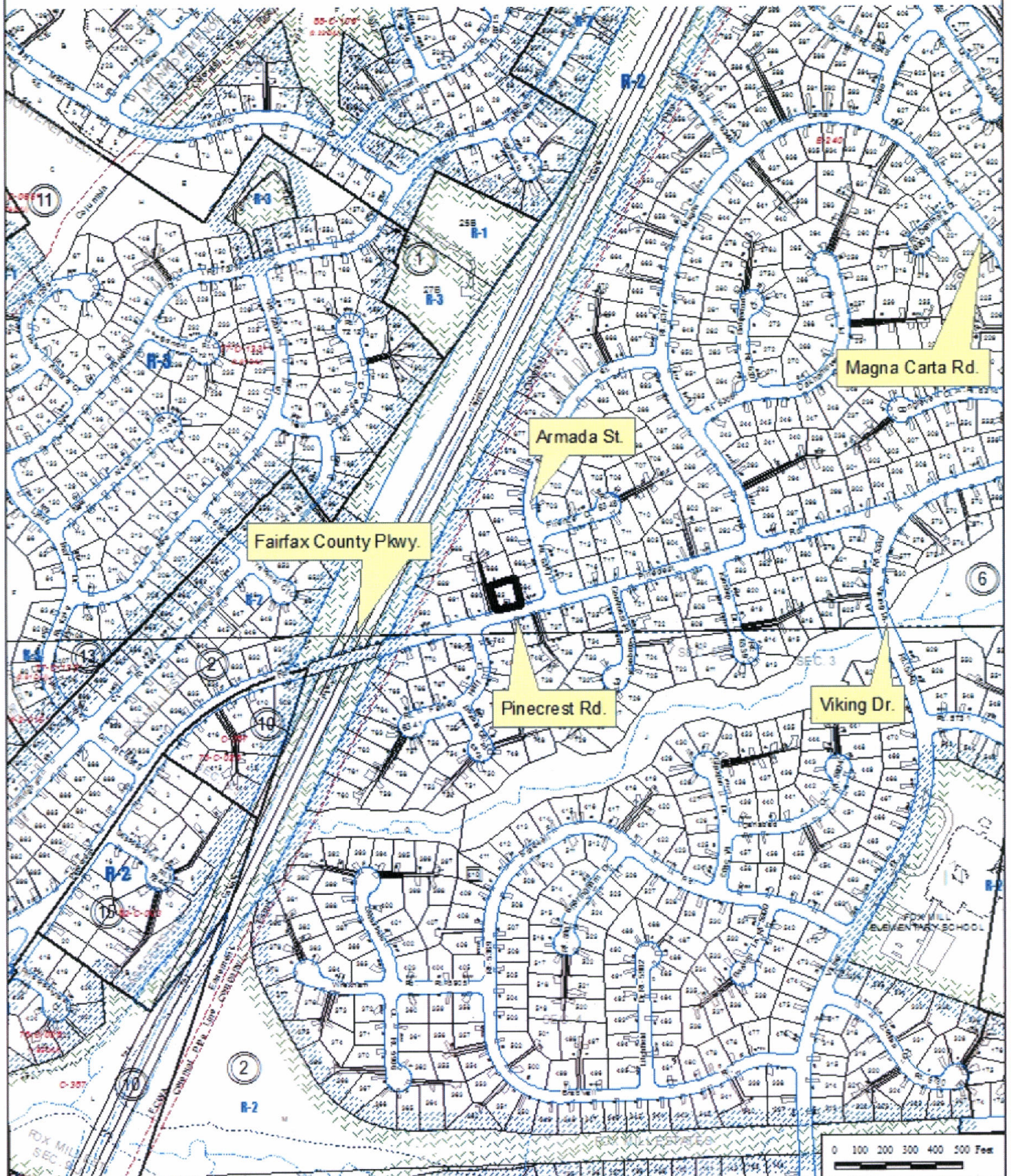
The map displays the Herndon, Virginia area, with a large red asterisk marking a specific location in the center. The map includes labels for 'TOWN OF HERNDON', 'HATTON TOWN', 'U.S.G.S.', 'RESTON', and 'CHANTILLY'. A scale bar at the bottom right indicates distances from 0 to 4,000 feet.



# Special Permit

SP 2014-HM-092

FARANGIS BIGDELI, D.B.A.: FRANCIS'S  
HOME CHILDCARE / FRANCIS'S FRIENDLY DAYCARE





1. NO TITLE REPORT FURNISHED.
2. THIS PLAT IS NOT TO BE USED FOR THE CONSTRUCTION OF FENCES.

3. BOUNDARY INFORMATION OBTAINED FROM AVAILABLE RECORDS.

4. THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY OF LOT 685. ANY FENCES SHOWN ARE APPROXIMATE LOCATION.

5. HEIGHT OF DECK = 17'

6. HEIGHT OF LOWER LEVEL STRUCTURE = 14.9'

7. HEIGHT OF UPPER LEVEL STRUCTURE = 19.3'

8. PUBLIC WATER AND SEWER.

9. SEE LEFT SIDE NOTE

LOT 686

10. SHED 15' 8" x 16' 6" x 8' 10" H

LOT 683

TRUE NORTH

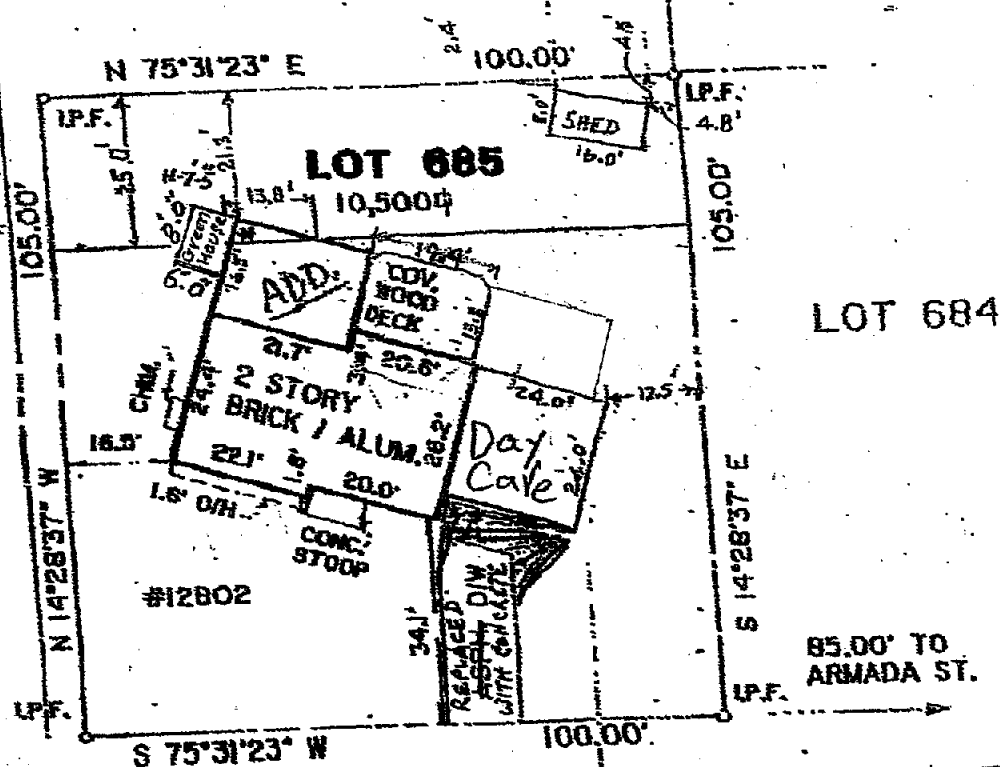
9. NOTE

AREA OF ADD. = 358.1<sup>sf</sup>

HEIGHT OF ADD. = 19.3'

\* AREA = 25.3<sup>sf</sup>

LOT 687



PINECREST ROAD

150' R/W

H. 7.3  
W. 6.6  
L. 8.1

Greenhood

RECEIVED  
Department of Planning & Zoning

MAY 02 2014

Zoning Evaluation Division

12802 Pinecrest Rd.

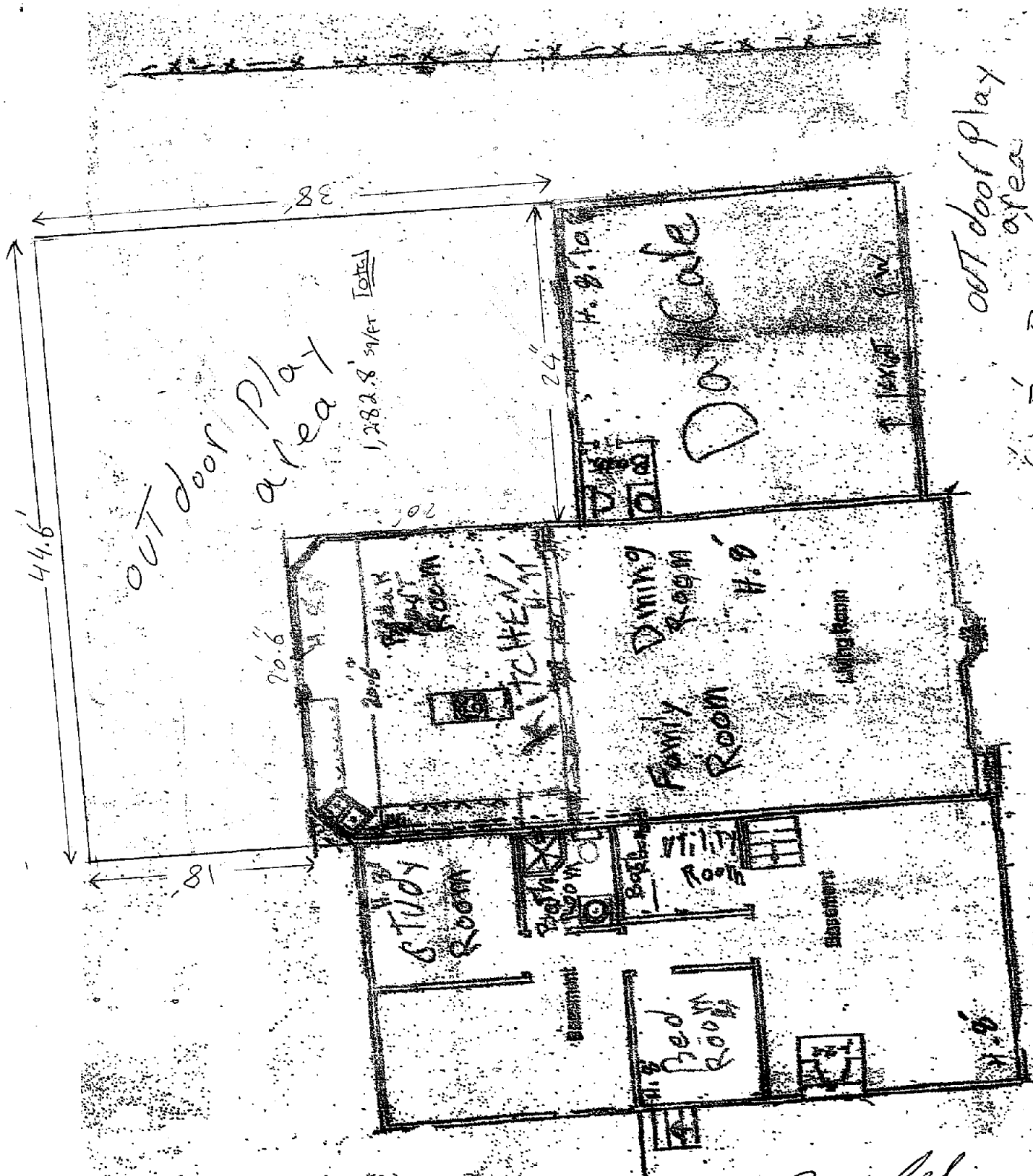
Herndon VA - 20171

TEL: 703-860-4734

Foranzi P. Miller

05/01/2014





RECEIVED  
 Department of Planning & Zoning  
 JUN 04 2014  
 Zoning Evaluation Division

Farah P. Geller

6/3/14  
 Farah P. Geller























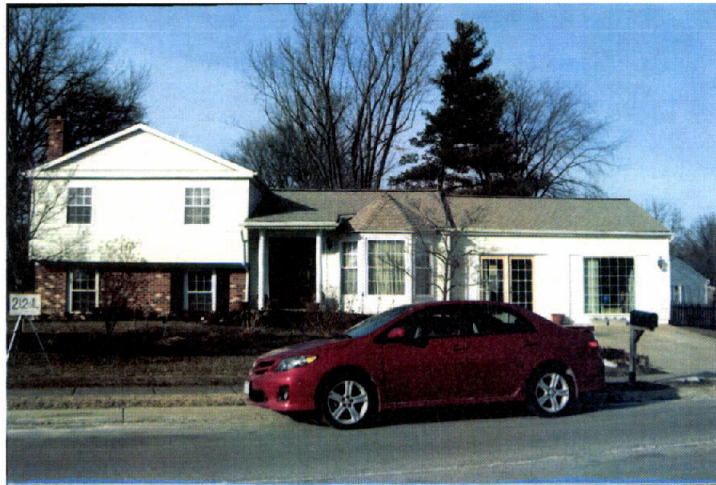




























## SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit for a home child care facility for 12 children at any one time within an existing dwelling. A detailed discussion of the request is included on page two.

A copy of the plat titled "12802 Pinecrest Rd. Herndon VA 20171," prepared by Farangis Bigdeli, dated 05/01/2014, is included at the front of this report.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,500 square foot lot is developed with a vinyl and brick trim two story single family dwelling with 3,500 square feet of floor area. The dwelling includes an addition that is attached to the house through two french doors, and has its own entrance and bathroom. The addition is used as the main daycare area. The dwelling also contains a full basement. The rear yard is surrounded by a wood fence. In the rear yard, a play area of approximately 1,200 square feet is available for the home child care facility, which has direct access from the home child care area.

An asphalt driveway providing access from Pinecrest Road, with a capacity for parking two vehicles, is located at the front of the house. A concrete walkway leads from the driveway to the front door. The child care area has direct access to the driveway.

As shown below, the site is surrounded by residential lots, zoned R-2, and developed with single family dwellings under the cluster subdivision provisions of the Zoning Ordinance. Fox Mill Road is located on the east side of the subdivision, and Fairfax County Parkway is located to the west.





## **BACKGROUND AND HISTORY**

County Records show that the dwelling was constructed in 1977. The current owner of the home purchased the property in January 1995. The addition used for child care was originally constructed as an attached garage to the east of the building, following a permit issued on July 1996. The garage was converted to an extension of the house, following a permit issued on February 1999. A second addition to the north side of the house was built following a permit issued on September 2000. A variance was required for this addition due to its location 21.3 feet from the rear lot line where the minimum required rear yard is 25 feet. The Board of Zoning Appeals approved the variance on May 16, 2000. Building permit information is included in Appendix 4 and the resolution for the approved variance VC 00-H-021 is Appendix 5.

The applicant operates a home child care facility and holds a current license, which is valid until December 24, 2015, from the Commonwealth of Virginia, Department of Social Services for a Family Day Home with a capacity of twelve children, ages birth through 12 years 11 months. Information about the applicant's state license is included as Appendix 6.

County records reflect that there are no similar cases in the vicinity.

## **DESCRIPTION OF THE APPLICATION**

The applicant is requesting approval of a special permit for a home child care facility for up to 12 children at any one time, to operate between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday. Children arrive between 8:00 a.m. and 9:00 a.m. and depart between 4:15 p.m. and 5:30 p.m. Employees include the applicant and one part-time assistant.

Parents bring their children to the facility from the driveway to the child care's separate entrance located at the end of the driveway. Parking is provided in the driveway on the lot, or off-street. Staff believes sufficient parking exists in the driveway to accommodate the drop-off and pick-up of children for the home child care use.

The home child care facility is primarily operated in the main floor of the dwelling, in a large play room attached to the dwelling through two french doors. The large room has its own bathroom and entrance. Emergency egress for the play room is provided by two exits leading to the driveway and the rear yard. Staff recommends that both means of access to the driveway and the backyard should remain unimpeded at all times during the child care operation hours. The applicant states that children's meals and snacks are made in the dwelling's primary kitchen but served in the daycare facilities. All children, except two, take naps in the playroom, while one of the two remaining children sleeps in a bedroom upstairs and the other sleeps in a bedroom downstairs. The means of egress is adequate for these rooms as long as the points of egress for both rooms remain clear at all times.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area:** Area III, Upper Potomac Planning District  
**Planning Sector:** West Ox Community Planning District (UP7)  
**Plan Map:** Residential use at 1-2 dwelling units per acre (du/ac)

### **Zoning Ordinance Requirements**

- General Special Permit Standards (Sect. 8-006)
- Group 3 Uses (Sect. 8-303)
- Additional Standards for Home Child Care Facilities (Sect. 8-305)
- Use Limitations for Home Child Care Facilities (Sect. 10-103, Par. 6)

This special permit is subject to the sections of the Zoning Ordinance outlined in the previous page, a copy of which is included in Appendix 8. Subject to the development conditions, the special permit must meet these standards.

### **On-Site Parking**

The subject property has a driveway with the capacity for two cars. The applicant states that the parents can park in the driveway, or on Pinecrest Road, and walk on the sidewalk to the driveway. According to the arrival and departure schedule provided by the applicant, the arrivals occur between 8:00 a.m. and 9:30 a.m., and children are picked up between 4:15 p.m. and 5:30 p.m. The driveway will be used for drop-off and pick-up during these hours.

### **Site Inspection**

During a site inspection, staff noted that there is shed 9.3 feet in height located 4.67 feet from the side lot line and 2.3 feet from the rear lot line. The Zoning Ordinance requires that an accessory storage structure which exceeds 8.5 feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line. The location of the shed must be changed or its height reduced to conform to Fairfax County Zoning Ordinance provisions, or a separate special permit must be applied for and diligently pursued. Failure to address this issue may impact the applicant's ability to obtain building permits or pursue other zoning applications on this property in the future. A proposed development condition is included that would require the applicant to obtain compliance with Zoning Ordinance provisions for this structure within 12 months of approval of the special permit if approved. A report from the Zoning Inspection Division is included as Appendix 7.



SP 2014-HM-092

**CONCLUSION**

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

**RECOMMENDATION**

Staff recommends approval of SP 2014-HM-092, subject to the Proposed Development Conditions dated November 12, 2014.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

**APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit information
5. Resolution for VC 00-H-021
6. Virginia State License information
7. Zoning Inspection Report, dated November 7, 2014
8. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-HM-092****November 12, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-HM-092 located at Tax Map 25-2 ((6)) 685 for a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Farangis Bigdeli, only and is not transferable without further action of the Board, and is for the location indicated on the application, 12802 Pinecrest Road, Herndon, VA 20171, and is not transferable to other land.
2. This special permit is granted only for the home child care facility indicated on the special permit plat titled "12802 Pinecrest Rd. Herndon VA 20171," prepared by Farangis Bigdeli, dated May 1, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit **shall be posted in a conspicuous place on the property** of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 8:00 a.m. to 6:00 p.m., Monday through Friday.
5. The maximum number of children on site at any one time shall be 12, excluding the applicant's own children.
6. The number of non-resident assistants on site at any one time shall be limited to two.
7. All pick-up and drop-off of children shall take place in the driveway and in front of the house off Pinecrest Road.
8. The dwelling that contains the child care facility shall be the primary residence of the applicant.
9. There shall be no signage associated with the home child care facility.
10. Within 12 months from the date of this hearing, the shed structure in the rear yard shall be brought into compliance with the Fairfax County Zoning Ordinance, or a separate special permit or variance shall be applied for and diligently pursued.



This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 6 months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): SP 2014-HM-092  
 (county-assigned application number(s), to be entered by County Staff)

## SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/3/14  
 (enter date affidavit is notarized)

I, Farangis Bigdeli, D.B.A. Francis's Home childcare / Francis's Friendly Daycare, do hereby state that I am an  
 (enter name of applicant or authorized agent)

124300a

(check one) ☒ applicant  
☐ applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
(1) Farangis Bigdeli D.B.A. Francis's Home childcare / Francis's Friendly Daycare	12802 Pinecrest Rd. Herndon, VA 20171	Applicant / co-title owner
(2) Mohammad Noustabadi	12802 Pinecrest Rd. Herndon, VA 20171	Title owner

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).



Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/3/14  
(enter date affidavit is notarized)

124300a

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/3/14  
(enter date affidavit is notarized)

124300a

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/3/14  
(enter date affidavit is notarized)

124300a

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.



## SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

6-3-14

(enter date affidavit is notarized)

124300a

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

[ ] Applicant's Authorized Agent

Farangio Bigdeli

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 3 day of June 20 14, in the State/Comm. of Virginia, County/City of Fairfax

Kristie Koch  
Notary Public

My commission expires:

4-30-17

KRISTIE KOCH  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES APR. 30, 2017  
COMMISSION # 7541973

STATEMENT OF JUSTIFICATION  
FOR A HOME CHILD CARE FACILITY

Name: FARANGIO BIGDELI  
 Address: 12802 Pinecrest Rd.  
Herndon VA. 20171  
 Phone #: 703-860-4734  
 E-mail: farangio.bigdeli@gmail.com

Date 3, 28, 2014

RECEIVED  
Department of Planning & Zoning

MAR 28 2014

Zoning Evaluation Division

Fairfax County Department of Planning & Zoning  
 Zoning Evaluation Division  
 12055 Government Center Parkway, Suite 801  
 Fairfax, VA 22035

Re: Special Permit Application

Applicant: Farangio Bigdeli  
 Zoning Ordinance Section 8-305 for Home Child Care Facility  
 Section 8-004 of General Standards

Tax Map #: 0252.06.0685  
 Zoning District: R-2C(R-2W, cluster Dev)  
 Lot Size: 10,500

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a attached (~~detached~~) (circle one) dwelling at 12802 Pinecrest Rd. Herndon VA. 20171 (your address). The property is zoned R-2C and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facility's operations:

Hours. The child care is open from 8:00 AM To 6:00 PM Monday, Tuesday, Wednesday, Thursday, Friday.

Number of Children. I care for up to 12 children at any one time. This number does not include my own 0 child/children.

Employees. I have one assistant(s) who work part-time and 0 assistant(s) who work full-time.

Arrival Schedule. 12 of the children arrive between 8:00 AM and 9:30 AM.

Departure Schedule. 12 of the children are picked up at 4:15 PM. Until 5:30 PM.  
( See Attachment 1 )

Area Served. Fox Mill State  
(what neighborhood/general area do the children live in?)

Operations. As I stated, my house is a single-family attached (detached (circle one)) dwelling. It has (explain the general layout of the house):

A large room attached to my outdwelling through two trench doors. The facility has its own entrance and bathroom, where the children spend almost all of their time. Meals and snacks are made.  
The house has 3,500 square feet. The following rooms are where I conduct the day care:

These rooms are 576 square feet total. (See Attachment 2 floor layout and interior photos)

Hazardous or Toxic Substances. The house and yard are free from hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

Outdoor Play Area. I use my back yard yard for outdoor play for the children. The area is approximately 1200 square feet. The outdoor play area consists of: a patio which has a hand full of outdoor toys for children. There is also a grassy area where the children can run around and play in.

Parking. I use my \_\_\_\_\_ to park my family car(s). My parents park we use part of our driveway and off-street parking for our own cars. There fore, parents have the option to also use our

For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

In conclusion, I am proposing No changes to the outside appearance of my brick and vinyl sided home. I propose no addition and no sign regarding the day care. Adequate parking is available for my parents, employees and my family. For these reasons I believe that my proposed home day care facility will not impact my neighbors in any negative way.

Sincerely,

Farangi Bigdeli  
Farangi Bigdeli  
Owner of Francis' Home Child Care



operation:

in the kitchen of our own and served in the daycare facility. Naps are all but two children take their naps in the daycare facility. one of the two children sleeps in a bedroom upstairs and the other sleeps in the bedroom downstairs.

Parking:

driveway for parking and there is also ample space in front of the house for parents to park as well as on the sidewalk on the side of our house if needed.



**BUILDING PERMIT APPLICATION**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
FAIRFAX COUNTY, VIRGINIA  
PERMIT APPLICATION CENTER  
12055 Government Center Parkway, 2nd Floor  
Fairfax, Virginia 22035-5504  
(703) 222-0801

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN  
(PLEASE PRINT OR TYPE)

**JOB LOCATION:**

ADDRESS 12309 PINECREST RD  
LOT # 695 BUILDING Sec. 5  
FLOOR \_\_\_\_\_ SUITE \_\_\_\_\_  
SUBDIVISION Evermill Estate  
TENANT'S NAME \_\_\_\_\_

**OWNER INFORMATION: OWNER ☐ TENANT ☐**

NAME Mohammed Amr Shabane  
ADDRESS 12309 PINECREST RD  
CITY Herndon STATE VA ZIP 20171  
TELEPHONE 703-472-1724

**CONTRACTOR INFORMATION:**

CHECK IF SAME AS OWNER ☐

COMPANY NAME Home Improvement  
ADDRESS 12309 PINECREST RD  
CITY Herndon STATE VA ZIP 20171  
TELEPHONE 703-472-1724

LOCAL CONTRACTOR LICENSE # \_\_\_\_\_

STATE CONTRACTORS LICENSE # \_\_\_\_\_

COUNTY BUSINESS ACCOUNT # \_\_\_\_\_

APPLICANT \_\_\_\_\_

**DESCRIPTION OF WORK**

Convert Garage To The  
House

HOUSE TYPE \_\_\_\_\_

ESTIMATED COST OF CONSTRUCTION \$200,000

BLDG AREA (SQ FT OF FOOTPRINT) 84

USE GROUP OF BUILDING 50

TYPE OF CONSTRUCTION \_\_\_\_\_

SEWER SERVICE: PUBLIC ☐ SEPTIC ☐ OTHER ☐

WATER SERVICE: PUBLIC ☐ WELL ☐ OTHER ☐

OTHER PLEASE SPECIFY \_\_\_\_\_

DESIGNATED MECHANICS' LIEN AGENT:  
(Residential Construction Only)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NONE DESIGNATED: ☐ PHONE: \_\_\_\_\_

**CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS:**

# KITCHENS	_____	EXTER. WALLS	_____
# BATHS	_____	INTER. WALLS	_____
# HALF BATHS	_____	ROOF MATERIAL	_____
# BEDROOMS	_____	FLOOR MATERIAL	_____
# OF ROOMS	_____	FIN. BASEMENT	_____ %
# STORIES	_____	HEATING FUEL	_____
BUILDING HEIGHT	_____	HEATING SYSTEM	_____
BUILDING AREA	_____	# FIREPLACES	_____
BASEMENT	_____		

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Signature of Owner or Agent

Date

Printed Name and Title

PERMIT #

FOR INSPECTIONS CALL: (703) 222-0455

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN #	<u>6099-00071</u>	
TAX MAP #	<u>023-2-06-0081</u>	
ROUTING	DATE	APPROVED BY:
ZONING	<u>2/11/99</u>	<u>mg</u>
SITE PERMITS		
SANITATION		
HEALTH DEPT		
FIRE MARSHAL		
BUILDING REVIEW	<u>2-11-99</u>	<u>EW</u>
LICENSING		
ASBESTOS		

FEE \$ \_\_\_\_\_  
FILING FEE \$ \_\_\_\_\_  
AMOUNT DUE \$ \_\_\_\_\_

**BUILDING PLAN REVIEW**

REVIEWER \_\_\_\_\_ # OF HOURS \_\_\_\_\_  
REVISION FEES \$ \_\_\_\_\_  
FIRE MARSHAL FEES \$ \_\_\_\_\_  
FIXTURE UNITS \_\_\_\_\_ PLAN LOC. ☐ J ☐ R ☐

**APPROVED FOR ISSUANCE OF BUILDING PERMIT**

BY Ky DATE 2/11/99

ZONING REVIEW: ZONING CLASS R2C

USE Ad-77

ZONING CASE # \_\_\_\_\_

**GROSS FLOOR AREA OF TENANT SPACE**

YARDS: <u>NO</u>	GARAGE: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
FRONT <u>NO</u>	OPTIONS: YES <input type="checkbox"/> NO <input type="checkbox"/>
FRONT <u>NO</u>	REMARKS <u>Convert. Dist.</u>
L SIDE <u>NO</u>	<u>Attached Garage</u>
R SIDE <u>NO</u>	<u>Impervious NO CHARGE</u>
REAR <u>NO</u>	<u>W/ FOOTPRINT. NO W/ APP</u>

**GRADING AND DRAINAGE REVIEW**

SOILS: # \_\_\_\_\_ A ☐ B ☐ C ☐

HISTORICAL DISTRICT \_\_\_\_\_

AREA TO BE DISTURBED (TOTAL SQ FT) \_\_\_\_\_

ADD'L IMPERVIOUS AREA (ADDED SQ FT) \_\_\_\_\_

PROFFERS \_\_\_\_\_

PLAN # \_\_\_\_\_ APPR. DATE \_\_\_\_\_

STAMPS: 206  
17  
(See reverse side of application)

REMARKS: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_



1. NO TITLE REPORT FURNISHED.  
2. THIS PLAT IS NOT TO BE USED  
FOR THE CONSTRUCTION OF  
FENCES.

3. BOUNDARY INFORMATION OBTAINED  
FROM AVAILABLE RECORDS.

4. THIS PLAT DOES NOT REPRESENT A  
BOUNDARY SURVEY OF LOT 685.  
ANY FENCES SHOWN ARE APPROXI-  
MATE LOCATION.

DEM  
Division of  
Inspection Services  
Approved for

LOT 686

By

Date

100.00'

LOT 683

TRUE NORTH

N 75°31'23" E

LOT 685

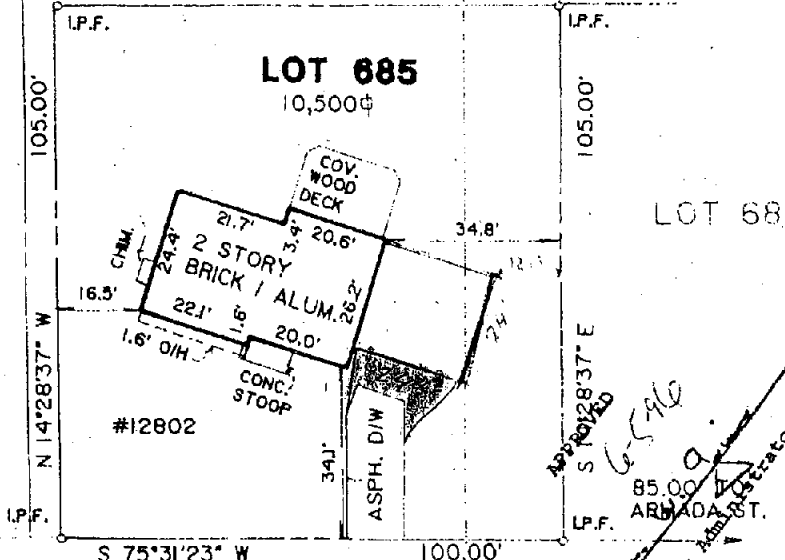
10,500±

105.00'

105.00'

LOT 687

LOT 684



PINECREST ROAD

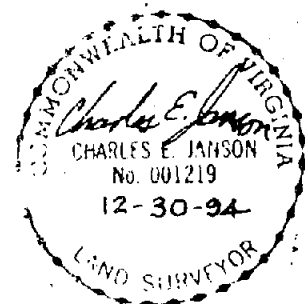
( 50' R/W )

FLOOD PLAIN

THIS LOT CLASSIFIED AS ZONE  
"X" AREA DETERMINED TO BE  
OUTSIDE 500 YEAR FLOOD  
PLAIN

PLAT SHOWING  
HOUSE LOCATION SURVEY  
LOT 685  
SECTION FIVE  
FOX MILL ESTATES

FAIRFAX COUNTY, VIRGINIA



FLOOD ZONE: "X"

COMMUNITY NO: 515525 0050 D

PANEL: 50 D

DATE: 3-5-90

DATE: 12-30-94

SCALE: 1" = 30'

CASE NAME: NOUSHABADI

# BUILDING PERMIT APPLICATION

PERMIT # 0027560710

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES - INSPECTIONS CALL 703-222-0455 (see back for more information)

## PERMIT APPLICATION CENTER

1200 COMMONWEALTH BLVD, SUITE 200, FALLS CHURCH, VA 22046

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN  
(PLEASE PRINT OR TYPE)

### JOB LOCATION

ADDRESS 11802 PINECREST RD.  
LOT # 685 BUILDING 11  
FLOOR 1 SUITE 1  
SUBDIVISION FOR MALL EXT SEC-5  
TENANT'S NAME

### OWNER INFORMATION

OWNER ☐ TENANT ☐

NAME Mohammad Mousharadi  
ADDRESS 12802 PINECREST RD.  
CITY Herndon STATE VA ZIP 20171  
TELEPHONE (703) 500-4734

### CONTRACTOR INFORMATION

SAME AS OWNER ☒

CONTRACTORS MUST PROVIDE THE FOLLOWING:

COMPANY NAME

ADDRESS

CITY  STATE  ZIP

TELEPHONE

STATE CONTRACTORS LICENSE #

COUNTY BPOL #

### APPLICANT

Mohammad Mousharadi

### DESCRIPTION OF WORK

2nd addition to existing building  
2 story, brick  
Ex. door is not enclosed, will be removed.

### HOUSE TYPE

ESTIMATED COST OF CONSTRUCTION R 10

BLDG AREA (SQ FT OF FOOTPRINT) 6779

USE GROUP OF BUILDING 04

TYPE OF CONSTRUCTION SB

SEWER SERVICE PUBLIC ☐ SEPTIC ☐ OTHER ☐

WATER SERVICE PUBLIC ☐ WELL ☐ OTHER ☐

OTHER PLEASE SPECIFY

### DESIGNATED MECHANICS' LIEN AGENT

(Residential Construction Only)

NAME

ADDRESS

NONE DESIGNATED ☐ PHONE

### CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS

# KITCHENS 1 EXTER. WALLS   
# BATHS 1 INTER. WALLS   
# HALF BATHS  ROOF MATERIAL   
# BEDROOMS 1 FLOOR MATERIAL   
# OF ROOMS 2 FIN. BASEMENT 100%  
# STORIES 2 HEATING FUEL   
BUILDING HEIGHT 10.6 HEATING SYSTEM   
BUILDING AREA  # FIREPLACES   
BASEMENT

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN # R-00-01006

TAX MAP # 025-2-06-0685

### ROUTING

DATE

APPROVED BY

LICENSING		
ZONING	<u>1</u>	<u>7-22-00</u>
SITE PERMITS/KRM	<u>10/2/00</u>	<u>18</u>
HEALTH DEPT.	<u>1</u>	<u>1</u>
BUILDING REVIEW	<u>11/3/00</u>	<u>18</u>
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

### FEE

FILING FEE

AMOUNT DUE 244.95

### BUILDING PLAN REVIEW

REVIEWER  # OF HOURS

REVISION FEES \$

FIRE MARSHAL FEES \$

FIXTURE UNITS

PLAN LOC. J E R E

### APPROVED FOR ISSUANCE OF BUILDING PERMIT

(LOG OUT) 1

BY 1-20

DATE 11/03/00

### ZONING REVIEW

ZONING CLASS R-2C

USE SP-77

ZONING CASE # VC-00-H-021 Appl. 5-24-00

GROSS FLOOR AREA OF TENANT SPACE

YARDS:

GARAGE 1 ☐ 2 ☐ 3 ☐

FRONT

OPTIONS YES ☐ NO ☐

FRONT

REMARKS

L SIDE

Plot Attached

R SIDE

NC

REAR

21.3

### GRADING AND DRAINAGE REVIEW

SOILS # 72 A ☐ B ☐ C ☒

HISTORICAL DISTRICT

AREA TO BE DISTURBED (TOTAL SQ FT) 1560

ADD'L IMPERVIOUS AREA (ADDED SQ FT) 6560

PLAN #

APPR. DATE

### STAMPS

FF 2500 sq ft EXNATL  
(See reverse side of application)

### REMARKS

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Signature of Owner or Agent Mohammad Mousharadi Date 9-22-00

Printed Name and Title Mohammad Mousharadi

(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

### NOTARIZATION (if required)

State (or territory or district) of

County (or city) of , to wit: I,

, a Notary Public in

the State and County aforesaid, do certify that:

whose name is signed to

this application, appeared before me in the State and County aforesaid and executed

this affidavit. Given under my hand this  day of

, 20  My commission expires the

day of , 20

(Notary Signature)

FOR SUBMISSION WITH VARIANCE APPLICATION ONLY

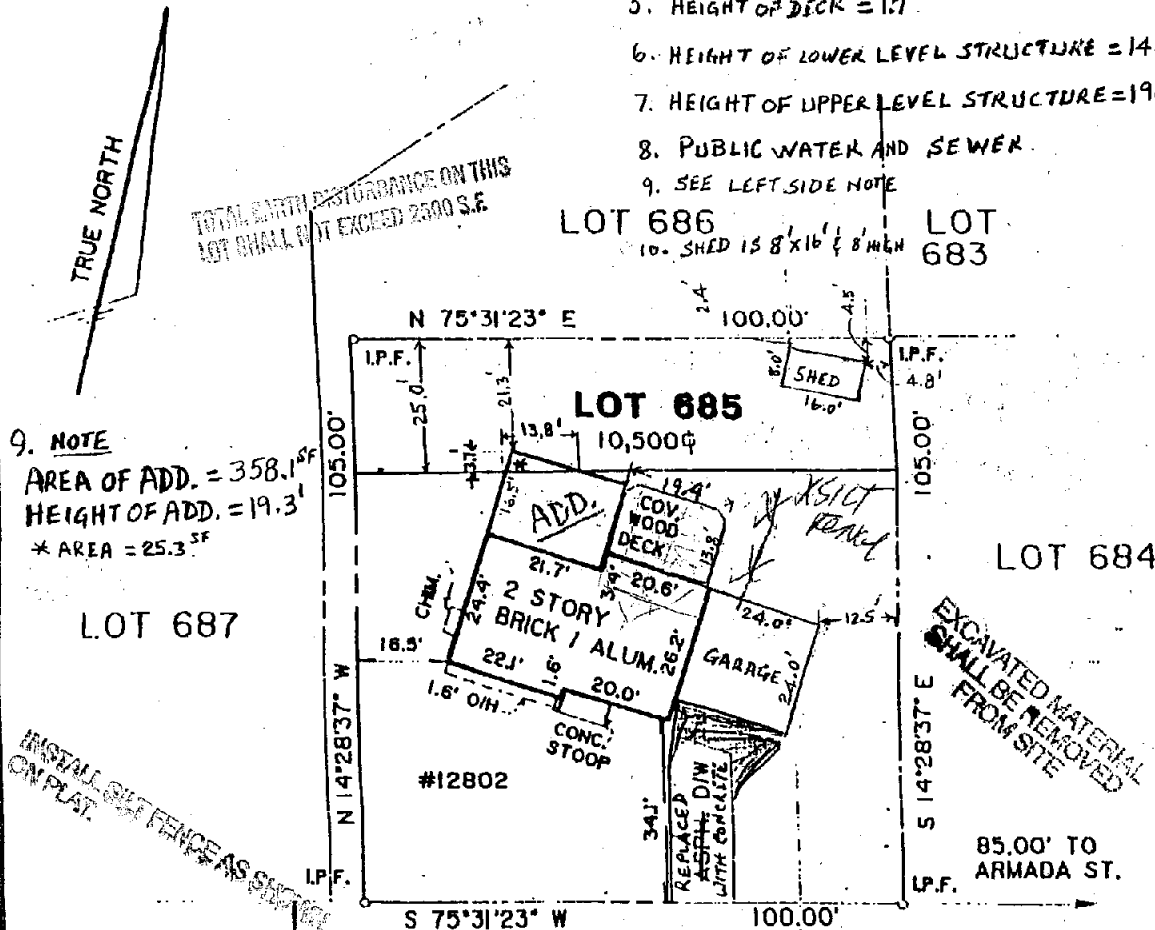
1. NO TITLE REPORT FURNISHED.
2. THIS PLAT IS NOT TO BE USED FOR THE CONSTRUCTION OF FENCES.
3. BOUNDARY INFORMATION OBTAINED FROM AVAILABLE RECORDS.
4. THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY OF LOT 685. ANY FENCES SHOWN ARE APPROXIMATE LOCATION.
5. HEIGHT OF DECK = 1.7'
6. HEIGHT OF LOWER LEVEL STRUCTURE = 14.9'
7. HEIGHT OF UPPER LEVEL STRUCTURE = 19.3'
8. PUBLIC WATER AND SEWER.
9. SEE LEFT SIDE NOTE

LOT 686  
10. SHED IS 8'x16' & 8' HIGH

LOT 683

9. NOTE  
AREA OF ADD. = 358.1<sup>sf</sup>  
HEIGHT OF ADD. = 19.3'  
\* AREA = 25.3<sup>sf</sup>

LOT 687



DEPT. OF  
Office of Building  
Code Services

PINECREST ROAD

Approved for  
By *[Signature]*  
Date *10/3/00*

APPROVED  
9-29-00

*[Signature]*  
Zoning Administrator

FLOOD PLAIN

THIS LOT CLASSIFIED AS ZONE  
"X" AREA DETERMINED TO BE  
OUTSIDE 500 YEAR FLOOD  
PLAIN

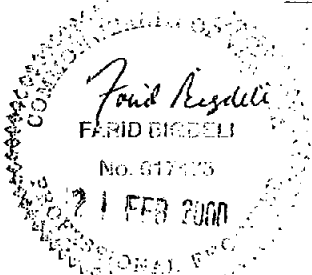
PLAT SHOWING  
HOUSE LOCATION SURVEY  
LOT 685  
SECTION FIVE  
FOX MILL ESTATES

FAIRFAX COUNTY, VIRGINIA

FLOOD ZONE: "X"  
COMMUNITY NO: 515525.0050 D

PANEL: 50 D  
DATE: 3-5-90

DATE 21 FEBRUARY 2000 SCALE 1" = 30' CASE NAME: NOUSHARADI





## VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

MOHAMMAD NOUSHABADI, VC 00-H-021 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit construction of addition 21.3 ft. from rear lot line. Located at 12802 Pinecrest Rd. on approx. 10,500 sq. ft. of land zoned R-2 (Cluster). Hunter Mill District. Tax Map 25-2 ((6)) 685. Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on May 16, 2000; and

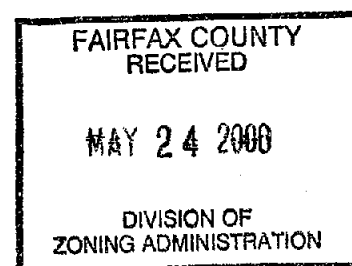
WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The applicant has met the required standards for a variance.
3. The house is sited on the property on an angle.
4. The actual variance for the maximum extension into the rear yard is 3.7 feet at the very peak of the variance and most of it sits far less than that.
5. The variance doesn't change the character of the zoning district and will be in harmony with the intended spirit and purpose of this Ordinance.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
  - A. Exceptional narrowness at the time of the effective date of the Ordinance;
  - B. Exceptional shallowness at the time of the effective date of the Ordinance;
  - C. Exceptional size at the time of the effective date of the Ordinance;
  - D. Exceptional shape at the time of the effective date of the Ordinance;
  - E. Exceptional topographic conditions;
  - F. An extraordinary situation or condition of the subject property, or
  - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
  - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or

\\S35OCW01\ZED\FOLTZ\5-16-00 RESOLUTIONS.DOC.DOC



B. The granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.

7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of all reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This variance is approved for the location of an addition as shown on the plat prepared by Farid Bigdeli dated February 21, 2000, submitted with this application and is not transferable to other land.
2. A building permit shall be obtained prior to any construction and approval of final inspections shall be obtained.
3. The addition shall be architecturally compatible with the existing dwelling.

Pursuant to Section 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval\* unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the variance. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Hart seconded the motion which carried by a vote of 6-0. Mr. Ribble was not present for the vote.

\*This decision was officially filed in the office of the Board of Zoning Appeals and became final on May 24, 2000. This date shall be deemed to be the final approval date of this variance.

A Copy Teste:

  
Maria D. Foltz, Deputy Clerk  
Board of Zoning Appeals

[Virginia.gov](http://Virginia.gov)

Agencies | Governor

VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES**Farangis Bigdeli**

12802 Pinecrest Road

HERNDON, VA 20171

(703) 860-4734 Facility Type: [Family Day Home](#)License Type: [Two Year](#)[Expiration Date:](#) Dec. 24, 2015Business Hours: 8:00 A.M. - 6:00 P.M.  
Monday - Friday

Capacity: 12

Ages: Birth - 12 years 11 months

Inspector: Martha Pauly  
(703) 359-6786 




# County of Fairfax, Virginia

APPENDIX 7

## MEMORANDUM

Date: November 7, 2014

To: Erin M. Haley, Staff Coordinator  
Zoning Evaluation Division

From: Bruce Miller, Zoning/Property Maintenance Inspector   
Zoning Inspection Branch

Subject: Home Child Care Facility (HCCF), Special Exception # SP 2014-HM-092

Applicant: Farangis Bigdeli, D.B.A.: Francis's Home Childcare / Francis's Friendly Daycare  
12802 Pinecrest Rd., Herndon VA 20171  
FOX MILL ESTATES, LT 685 SEC 5  
Tax Map #: 25-2 ((6)) 685  
Zoning District: R-2  
Development Type: Cluster  
Mail Log # 2014-HM-0468

An inspection was conducted on October 23, 2014 by Zoning/Property Maintenance Inspector Bruce Miller. The inspector was accompanied the Applicant.

*KEY: A "✓" mark in a box indicates that the item was deficient.  
An unmarked box indicates that no violation was found.*

- ☐ Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code.
- ☒ An operable smoke alarm shall be provided outside (or inside) of each sleeping area, with at least one such device on each floor.

Comment: A smoke alarm must be installed in one basement room used for sleeping purposes.

Note: The applicant provided a photograph to Inspector Miller via email indicating that the required smoke alarm has been installed.

- ☐ All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.
- ☐ All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.



November 7, 2014

Page 2

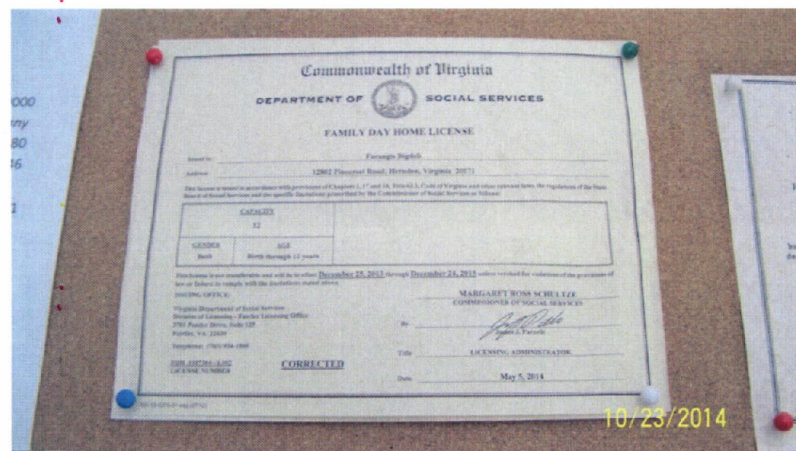
- ☐ Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- ☐ Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.
- ☐ A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
- ☒ Structures comply with the Zoning Ordinance.

Comment: A freestanding accessory storage structure (shed) containing the dimensions of 8'5" x 16' and a height of 9'3" located approximately 4' 8" from the side lot line and 2'4" from the rear lot line and is in violation of Par. 10E of Sect. 10-104 of the Fairfax County Zoning Ordinance as follows:

An accessory storage structure which exceeds eight and one half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

Comment: There is also a small amount of outdoor storage in the rear yard adjacent to the shed that does not exceed 100 square feet in area but that must be screened from the view from the first story window of any neighboring dwelling.

The following photographs were taken by Inspector Bruce Miller at the time of the inspection unless otherwise labeled:



DSS License posted in the HCCF.

**8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-303 Standards for all Group 3 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

**8-305****Additional Standards for Home Child Care Facilities**

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
  - A. The dimensions, boundary lines and area of the lot or parcel.
  - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
  - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
  - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.



**Sect. 10-103 Use Limitations**

6. The following use limitations shall apply to home child care facilities:

- A. The maximum number of children permitted at any one time shall be as follows:
- (1) Seven (7) when such facility is located in a single family detached dwelling.
  - (2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

The maximum number of children specified above shall not include the provider's own children.

B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.

C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.

D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.

E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.

F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.